

REMARKS

In view of the following remarks, Applicants request favorable reconsideration of the above-identified application.

Claims 1-14 remain pending in this application, with Claims 1 and 14 being independent. By this Amendment, Applicants have amended Claims 1 and 13, to attend to formal matters. Claim 14 has been withdrawn from consideration in view of a restriction requirement. Applicants confirm the election of Group I (Claims 1-13), with traverse.

Claims 7-10 stand objected to as being dependent on a rejected base claim, but the Office Action indicates that they would be allowable if rewritten in independent form. Applicants have left these claims in dependent form inasmuch as Applicants believe their base claim is allowable for the reasons set forth below.

Claims 1-3, 6 and 11-13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0137711 (Yagi, et al.). Claims 4 and 5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Yagi, et al. in view of U.S. Patent Publication No. 2002/0114053 (Yasuda, et al.). Applicants traverse these rejection.

As recited in independent Claim 1, Applicants' invention is directed to an optical deflector having a supporting substrate, a movable plate, and magnetism generating means. The movable plate has a reflective surface on one side thereof and a magnetic material on another side thereof. The another side of the movable plate has at least two recesses, and the magnetic material is provided in the recesses.

Yagi, et al. is directed to an apparatus including a rocking member supported by torsion springs and having magnetic material on one surface thereof. The Office Action

cites paragraphs 0085 through 0088 of that document as describing the present invention. Applicants respectfully disagree. Specifically, Applicants submit that Yagi, et al. does not describe providing recesses in the movable plate 1 described therein. Paragraph 0087 of Yagi, et al. states that a “hard magnetic film 3 was formed by adhering a section of the permanent magnet of Fe-Co-Cr onto the rear surface of the movable plate 1.” Because the document refers to adhering a magnetic film on a rear surface and not in recesses, Applicants submit that Yagi, et al. does not specifically disclose recesses on a movable plate, or providing a magnetic material in such recesses.

Accordingly, Applicants submit that Yagi, et al. fails to specifically disclose a movable plate having a reflective surface on one side thereof and magnetic material on another side thereof, wherein the another side of the movable plate has at least two recesses, and the magnetic material is provided in the recesses, as recited in independent Claim 1.

In addition, Applicants also submit that Yagi, et al. does not qualify as prior art under 35 U.S.C. § 103, because, at the time the present invention was made, the subject matter of Yagi, et al. and the claimed invention were both owned by, or under an obligation of assignment to, Canon, the assignee in the present application.

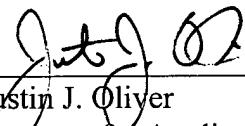
Yasuda, et al. is directed to a tiltable body and method of fabricating the same. The Office Action merely cites that document as describing that a movable plate has (100)-equivalent plane of silicon crystal and a recess has a (111)-equivalent plane of silicone crystal. Applicants submit that this document fails to remedy the deficiencies discussed above with respect to Yagi, et al.

For the foregoing reasons, Applicants request withdrawal of the rejections under 35 U.S.C. §§ 102 and 103.

The remaining claims in the present application are dependent claims which depend from the above-discussed independent claims, and thus are patentable over the applied documents for reasons noted above with respect to those independent claims. In addition, each recites features of the invention still further distinguishing it from the applied documents. Applicants request favorable and independent consideration thereof.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Justin J. Oliver
Attorney for Applicants
Registration No. 44,986

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

JJO\tmm

DC_MAIN 185745v1